

HOW TO COMPLETE A FINANCIAL AFFIDAVIT (FAMILY CASES)

Who must complete a *Financial Affidavit (Family Cases)*?

This form must be filled out by any party asking for “temporary relief” such as spousal maintenance (alimony), child support, contributions to children’s expenses, college contributions or any time the court orders you to complete one. Your statements must be supported by documents including your most recent:

- income tax returns
- pay stubs
- bank statements
- other supporting documents.

When is the *Financial Affidavit (Family Cases)* due?

There is no general rule. There may be local rules about when to file a *Financial Affidavit (Family Cases)*. If there are, you must follow these rules. Ask the Circuit Clerk where to find these rules.

Where can I find the forms I need?

You can find the forms at:

<http://www.illinoiscourts.gov/Forms/approved/>

Should I file my *Financial Affidavit (Family Cases)* with the Circuit Clerk?

Not unless a local rule or court order requires you to do so.

If I am ordered to file the *Financial Affidavit (Family Cases)*, what costs will I need to pay?

None.

What if I provide false or misleading information?

You may face significant penalties and sanctions including costs and attorney’s fees.

What if I do not have all the information available to answer all questions?

You will need to show the judge you did your best to obtain all of the information asked for. If you do not have all the information at the time you fill this out, provide what you have and provide the rest as soon as possible.

Do I have to answer all questions?

Yes, answer all questions and complete all sections of the *Financial Affidavit (Family Cases)* even if the response is “not applicable,” “none,” “not in my possession,” or other brief explanation.

Where can I get help?

If you do not hire a private attorney, help is available online at www.illinoislegalaid.org, or at your local law library.

How do I fill out the *Financial Affidavit (Family Cases)*?

The form has instructions in the column on the left side to help you. Also listed below are line-by-line instructions with more information on how to fill out the *Financial Affidavit (Family Cases)* form.

Line 1: The party that filed the *Petition for Dissolution* is the Petitioner and remains the Petitioner for the rest of the case. The other party is the Respondent. Check the appropriate box.

Line 2: Fill in the date that you complete the *Financial Affidavit (Family Cases)*.

Line 3: Identify what documents you have attached, including income tax returns, pay stubs, and bank statements. Provide as much of this documentation as you can.

Line 4: Provide all requested information about yourself. If your home address is protected because of domestic violence, give an alternative mailing address.

Line 5: In **5a**, provide the date you were married or united. In **5b**, if your marriage or civil union was previously dissolved, list the date of the dissolution (divorce). In **5c**, check the appropriate box. In **5d**, if you no longer live together, list the date you stopped living together.

Line 6: Provide information about children born as a result of the relationship. Do not include information about children that are not the legal responsibility of the other party.

Line 7: Provide all information requested about your jobs, including all full-time, part-time, temporary, contract, or other work.

Use your most recent pay stubs and income tax returns to complete this portion. Attach copies of those documents to the form.

Line 8: Provide the requested tax information. Get it from your most recently filed federal tax return.

In **8f**, get the information from the year-to-date (YTD) totals on your most recent pay stub. Attach the stub to the form.

Line 9: Provide the requested bankruptcy information.

Line 10: List all sources of your income including, employment, investments, benefits, and support. List each type of income no matter what the source is.

Unless you are paid monthly, you will need to convert your income into monthly amounts. For example, if you are paid \$600 per week, multiply \$600 by 52 to get your pay per year and then divide that amount by 12 to get your monthly pay ($600 \times 52 = 31,200 \div 12 = \$2,600$ per month).

Use this "How to Calculate Monthly Amounts" table to help with making your calculations.

How to Calculate Monthly Amounts

Weekly (52 times per year):

\$ $\times 52 = \$$ $\div 12 = \$$ per month

Bi-weekly/every 2 weeks (26 times per year):

\$ $\times 26 = \$$ $\div 12 = \$$ per month

Semi-monthly/twice a month (24 times per year):

\$ $\times 24 = \$$ $\div 12 = \$$ per month

Line 11: Provide the requested information about your monthly deductions.

Use information from your pay stubs, W4 form, tax records and other sources to identify deductions. If you need information about your withholding allowances, contact your employer.

Line 12: Provide the requested information about your monthly living expenses.

If you and the other party still reside in a common household, include all of the expenses of the household no matter who pays them.

Some expenses vary during the year or are paid only once or twice a year. In those cases, calculate the total yearly amount you pay and then divide by 12 to reach the average monthly amount. For example, if you pay \$600 twice a year for car insurance, multiply \$600 by 2 to get the amount you pay per year (\$1,200) and then divide that amount by 12 to get the monthly amount ($600 \times 2 = \$1,200 \div 12 = \100 per month).

Do not list an expense in more than one section.

Use the "How to Calculate Monthly Amounts" table above to help with making your calculations.

Line 13: List all current debts.

Debts include all amounts owed to others including credit cards, loans, or other debts.

If you are still married to the other party, you should include all debts that you know about since the marriage, including debts in the other party's name.

Provide as much information about each debt as you can, including the amount being paid each month and the most recent balance.

Line 14: Use the information from the previous sections to calculate the Total Income Available Per Month.

Line 15: List all assets.

If you are still married to the other party, you should include all assets that you know about including assets held only in the other party's name.

Fair Market Value (FMV) is the price a buyer would pay for an item at a public sale. If you get the FMV, from a source such as an appraisal or online database, attach a copy to your *Financial Affidavit (Family Cases)*.

Line 16: Provide information about your current health insurance coverage for yourself, the other party, and your children or dependents.

You may need to ask your insurance company or your employer for this information.